

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 15-265 (JHR)
v. :
ELLIOT NOCK : DETENTION ORDER

This matter having been opened to the Court on joint motion of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (Sara A. Aliabadi, Assistant United States Attorney appearing), and Michael Huff, Esquire, attorney for defendant Elliot Nock, for an order pursuant to Title 18, United States Code, Section 3142(e) detaining Elliot Nock without bail pending sentencing in the above-entitled matter; and the defendant, a sentenced state prisoner, appearing before the court on a writ of habeas corpus and consenting to an order of detention without prejudice; the Court makes the following findings in connection with the motion for pre-sentence detention:

1. On March 2, 2015, a one-count criminal complaint was signed and an arrest warrant from this District was issued charging Elliot Nock with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The offense charged in this complaint carries a maximum penalty of ten years imprisonment.

2. Before the complaint in this case was filed, Elliot Nock had been convicted and sentenced to serve a term of imprisonment in the New Jersey Department of Corrections, and was serving that term of imprisonment in South Woods State Prison, Bridgeton, New Jersey. He has not completed serving that sentence.

3. Following the issuance of the complaint in this case, the Government, pursuant to 18 U.S.C. § 3161(j), caused a detainer to be filed with South Woods State Prison, Bridgeton, New Jersey.

4. Elliot Nock, pursuant to the Interstate Agreement on Detainers Act ("IADA"), was brought before United States Magistrate Judge Ann Marie Donio for an initial appearance on March 25, 2015. Elliot Nock's appearance was made pursuant to a writ of habeas corpus.

5. During Elliot Nock's initial appearance on March 25, 2015, he was advised that Appendix 2 of the IADA may apply to his case and that, if it does, he has the right to remain in federal custody until the federal charges against him have been concluded, rather than to return to South Woods State Prison to continue serving out his sentence there. Elliot Nock agreed to waive his anti-shuttling rights under the Interstate Agreement on Detainers.

6. On June 4, 2015, pursuant to a writ of habeas corpus, Elliot Nock appeared before United States District Judge Joseph H. Rodriguez and pled guilty to an Information charging him with the same offense that had been described in the Complaint, that is, being a felon in possession of a firearm, in violation of Title 18 United States Code, Section 922(g)(1). Elliot Nock is scheduled to be sentenced on this offense under 18 U.S.C. § 922(g)(1) before United States District Judge Joseph H. Rodriguez on September 16, 2015, at 11:00 a.m.

7. During Elliot Nock's guilty plea hearing on June 4, 2015, through counsel, Elliot Nock requested to withdraw his prior waiver of anti-shuttling rights, so that he could be held in federal custody pending sentencing in this case.

5. Pursuant to the IADA Article III(d), Elliot Nock is entitled to remain in the custody and control of the United States Attorney General (federal custody) until the resolution of his federal case through sentencing, unless Elliot Nock waives his rights under the IADA.

6. Elliot Nock has consented to detention in Federal Custody pending sentencing.

IT IS, therefore, on this 4th day of June, 2015,

ORDERED, pursuant to Title 18, United States Code, Section 3142(e), that:

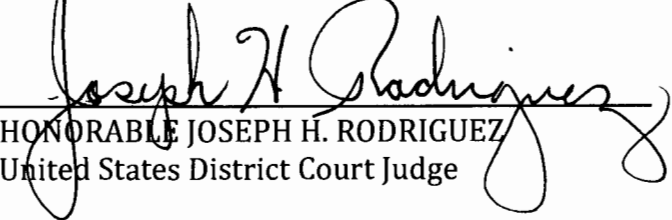
a. the motion for an order detaining Elliot Nock is hereby GRANTED, and the defendant is hereby Ordered detained pending further proceedings in the above captioned case;

b. Elliot Nock, a sentenced state prisoner, shall be remanded to the custody of the United States Attorney General or a designated representative for confinement in a corrections facility and shall remain in federal custody pending the resolution of his federal criminal case unless he again waives on the record in open court his rights under the IADA;

c. Elliot Nock, a sentenced state prisoner, shall be committed to the custody of the United States Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that Elliot Nock be afforded reasonable opportunity for private consultations with defense counsel; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that upon order of this or any other court of the United States of competent jurisdiction or on request of an attorney for the United States, the person in charge of Elliot Nock 's corrections facility shall deliver Elliot Nock to a United States Marshal for the purpose of appearances in connection with court proceedings in this matter.


HONORABLE JOSEPH H. RODRIGUEZ
United States District Court Judge